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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,778

09/28/2007

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40398-104025

1232

23644 7590 01/21/2010
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EXAMINER

CHAMPAGNE, LUNA

ART UNIT

PAPER NUMBER

3627

NOTIFICATION DATE

DELIVERY MODE

01/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Office Action Summary	Application No. 10/598,778	Applicant(s) BOUKADOUM ET AL.	
	Examiner LUNA CHAMPAGNE	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to Applicant's amendments received on 10/28/09.

Claims 9 and 11 are cancelled. Claims 1-8, 10, 12-20 are presented for examination.

Claim Rejections - 35 USC § 101

The 101 rejection of the claims 1-8, 10, 12-20 is withdrawn.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Re claims 1, 2, and 5, Smith et al. teach a method for managing at least one transaction through using credit card authorization payment infrastructures, the method comprising the steps of: providing a personal account number, the personal account number corresponding to an account managed by an Issuer (*col. 2, lines 57-59 – the stored value card is distributed to a merchant for distribution to a customer who has an account with a specific provider of goods and/or services*); associating the personal account number with a predetermined value (*the indicia may be distributed on magnetic stripe cards having predetermined values, such as \$10, \$25, and \$50 cards*) ; assigning the personal account number to a stored value instrument upon activation of the stored value instrument (*the*

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central processor may also transmit a PIN to the merchant terminal upon activation of the card); and providing the stored value instrument to a Consumer (for distribution to customer) (see e.g. col. 7, lines 9-16; col. 19, lines 42-44) ; activating the stored value instrument at a point of sale (see e.g. col. 18,, lines 33-42); further comprising allowing the Consumer to make a purchase using the stored value instrument (se e.g. col. 2, lines 61-63 –The associated stored value is redeemable with one or more providers, including the specific provider).

Smith et al. do not explicitly teach an account being in a format different from industry standard credit card number format, wherein said different format prevents the personal account number from eliciting a transaction approval in a non-authorization or pre-authorization environment.

wherein the step of providing the personal account number further comprises the one or more automated Issuer hardware components using automated data transmission techniques to provide the personal account number to one or more hardware components of a Personal Account Number (PAN) Facilitator, wherein the PAN Facilitator is a single technology supplier capable of interacting with a plurality of Issuers.

However, Berardi et al. teach an account being in a format different from industry stand credit card number format (see e.g. col. 6, lines 40-42; lines 52-55 - *Each company's credit card numbers comply with that company's standardized format. In one exemplary embodiment, the account number may include a unique fob serial number and user identification number, as well as specific application applets. –see*

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e.g. col. 16, lines 1-13 -The account number may be stored in fob 102. Create a unique identifier for providing to the fob 102. The identifier is unique in that one identifier may be given only to a single fob. That is, no other fob may have that same identifier); wherein said different format prevents the personal account number from eliciting a transaction approval in a non-authorization or pre-authorization environment (see e.g. col. 16, lines 14-16 – once the personalization file is populated into the fob 102, the populated information is irreversibly locked to prevent alteration, unauthorized reading and/or unauthorized access).

The Examiner notes that the combination of the encrypted account number being embedded in a personalized fog with the biometric measures (see e.g. col. 18, lines 55-67) makes the personal account number different from industry standard credit card number.

wherein the step of providing the personal account number further comprises the one or more automated Issuer hardware components using automated data transmission techniques to provide the personal account number to one or more hardware components of a Personal Account Number (PAN) Facilitator (*Transaction Account provider*), wherein the PAN Facilitator is a single technology supplier capable of interacting with a plurality of Issuers (*American Expresss.RTM., Visa.RTM., MasterCard.TRM. etc...*) (see e.g. col.5, lines 47-67; col. 6, lines 8-22).

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Smith et al., and include the step where an account is in a format

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different from industry standard credit card number format, as taught by Berardi et al., in order to increase security and prevent fraudulent use of customer's account information.

Claim 3, Smith et al. do not explicitly teach a method wherein the personal account number is one of a plurality of personal account numbers, and the step of providing the personal account number further rises the one or more automated Issuer hardware components providing the plurality of personal account numbers to the one or more hardware components of the PAN Facilitator.

However, Berardi et al. teach a method wherein the personal account number is one of a plurality of personal account numbers, and the step of providing the personal account number further rises the one or more automated Issuer hardware components providing the plurality of personal account numbers to the one or more hardware components of the PAN Facilitator (*see e.g. col. 6, lines 55-62; col. 18, lines 2-5*).

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Smith et al., and include the steps cited above, as taught by Berardi et al., in order to provide flexibility and expand the system.

Re claim 4, Smith et al. teach a method, the step of providing a personal account number further comprising the PAN Facilitator selectively providing the at least one personal account number of the plurality of personal account numbers to a Retailer for

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use with at least one stored value instrument distributed by the Retailer (*see e.g. col. 3, lines 12-14*).

Re claim 6, Smith et al. teach a method, further comprising: communicating the personal account number and a proposed transaction to the Issuer – *the central system communicates with the customer's carrier system to add the service value to the customer; the system requests approval from the carrier system*); providing authorization from the Issuer for the proposed purchase; and allowing the Consumer to make the proposed purchase (*adding value to a card is equivalent to a purchase transaction*) using the stored value instrument (*the system adds the service valued to the customer's account (see e.g. col. 5, lines 36-37; col. 10, lines 52-57 –)*).

Smith et al. do not explicitly teach the method cited above by means of an automated credit and/or debit authorization infrastructure;

However, Berardi et al. teach the method by means of an automated credit and/or debit authorization infrastructure (*see e.g. col. 17, lines 43-67-, col. 8, lines 1-9*).

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to modify Smith et al., and include the automated step in order to run a more efficient system by minimizing processing time.

Re claim 7, Smith et al. teach a method, further comprising performing a settlement between, the Issuer and a PAN Facilitator (*see e.g. col. 5, lines 49-51 – the*

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central system maintains arrangements with several carriers to allow for value insertion, and becomes a broker of prepaid communication services).

3. Claims 8, 10, 12-18 are rejected under 35 U.S.C. 102(e) as being unpatentable by Risafi et al. (6,473,500 B1), in view of Berardi et al. (7,239,226 B2), in further view of Smith et al. (7,328,190 B2).

Re Claims 8, 10, Risafi et al. teach a method for using a card distributed in retail at least one redemption site, the method comprising the steps of: providing a card, the card being tangible and having a front side and back side, machine readable information on at least one of the front side and back side, the machine readable information containing account data, and account information indicia on at least one of the front side and back side, the account information indicia being at least partially different from the account data (*see e.g. fig. 3a, 3b, col. 11, lines 1-28*); associating a value with the card (the cards are typically available in preset denominations e.g. \$10, \$50, \$100); and redeeming the value associated with the card in at least one redemption site (these cards can be used only when purchasing goods or services from that particular merchant) (*see e.g. col. 2, lines 1-5, 12-14*).

Risafi et al. do not explicitly teach wherein said machine readable information is not in an industry standard credit card authorization infrastructure information format, wherein said machine readable information is prevented from eliciting a transaction approval in a non-authorization or pre-authorization environment.

However, Berardi et al. teach said machine readable information is not in an industry standard credit card authorization infrastructure information format (see e.g. col. 6, lines 40-42; lines 52-55 - *Each company's credit card numbers comply with that company's standardized format. In one exemplary embodiment, the account number may include a unique fob serial number and user identification number, as well as specific application applets. —see e.g. col. 16, lines 1-13 -The account number may be stored in fob 102. Create a unique identifier for providing to the fob 102. The identifier is unique in that one identifier may be given only to a single fob. That is, no other fob may have that same identifier*);

wherein said machine readable information is prevented from eliciting a transaction approval in a non-authorization or pre-authorization environment (see e.g. col. 16, lines 14-16 – *once the personalization file is populated into the fob 102, the populated information is irreversibly locked to prevent alteration, unauthorized reading and/or unauthorized access*).

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Risafi et al., and include the step where an account is in a format different from industry standard credit card number format, as taught by Berardi et al., in order to increase security and prevent fraudulent use of customer's account information.

Risafi et al., in view of Berardi et al., do not explicitly teach wherein said account information indicia are in an industry standard credit card format that is capable of eliciting a transaction approval when manually entered into automated equipment;

wherein the method further comprises: using automated equipment to read the machine readable information and to use the machine readable information in a card activation procedure.

However Smith et al. teach wherein said account information indicia are in an industry standard credit card format that is capable of eliciting a transaction approval when manually entered into automated equipment (*see e.g. col. 7, lines 34-49; 53-56; col. 1, lines 66-67; col. 2, lines 1-3*);

wherein the method further comprises: using automated equipment to read the machine readable information and to use the machine readable information in a card activation procedure (*see e.g. col. 12, lines 54-67; col. 13, lines 1-4*).

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Risafi et al., in view of Berardi et al., and include the step wherein said account information indicia are in an industry standard credit card format that is capable of eliciting a transaction approval when manually entered into automated equipment, wherein the method further comprises: using automated equipment to read the machine readable information and to use the machine readable information in a card activation procedure as taught by Smith et al., in order to facilitate communication between the parties involved in the sale transaction and therefore simplify transaction processing.

Re claim 12, Risafi et al. teach a method, the step of providing the card further comprising providing the card having machine readable information that is compatible with a gift card redemption system of a selected Retailer and the step of redeeming the value further comprising redeeming the value by processing the card using the gift card redemption system (*see e.g. fig. 10a; col. 9, lines 27-34*).

Re claims 13, 14, Risafi et al. teach a method, further comprising associating the value with the card by assigning a personal account number with the card at point of sale, and associating a balance with the personal account number; a method further comprising the step of redeeming the value being deducting a purchase amount from the balance (*see e.g. col. 4, lines 17-22, 25-28; claim 58*).

Re claim 15, Risafi et al. teach a method, further comprising the redemption site being an online Retailer (*see e.g. col. 19, lines 66-67*).

Re claim 16, Risafi et al. teach a method, further comprising the redemption site being an authorized merchant (*see e.g. col. 3, lines 58-61*).

Re claims 17, 18, Risafi et al. teach a method further comprising associating the value with the card by assigning a personal account number, and assigning a redemption rule to the personal account number; assigning the redemption rule being defining a group of merchants as authorized merchants and permitting redemption of

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the card value only at authorized merchants (*see e.g. col. 2, lines 8-12; col. 1, lines 15-17; col. 19, lines 23-27*).

4. Claim 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risafi et al. (6,473,500 B1), in view of Walker et al. (6,193,155 B1), in view of Berardi et al. (7,239,226 B2), in further view of Smith et al. (7,328,190 B2).

Re claims 19, 20, Risafi et al. teach a system for distributing a card at retail that is redeemable at selected redemption sites, the system comprising: a card, the card being tangible and having a front side and back side, machine readable information on at least one of the front side and back side, the machine readable information containing account data, account information indicia on at least one of the front side and back side, the account information indicia being at least partially different from the account data (*see e.g. fig. 3a, 3b, col. 11, lines 1-28*);

Risafi et al. do not explicitly teach a system wherein a personal account number associated card; a personal account number facilitation system comprising one or more hardware components, and a redemption site interface, the redemption site interface being operative to connect by means of automated data transmission techniques to the personal account number facilitation system in response to using the card at a redemption site.

However, Walker et al. teach a system wherein a personal account number associated card; a personal account number facilitation system comprising one or more

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hardware components (*see e.g. col. 4, lines 9-11* securely redeeming gift certificates associated with a credit card or other financial account), and a redemption site interface, the redemption site interface being operative to connect by means of automated data transmission techniques to the personal account number facilitation system in response to using the card at a redemption site (*see e.g. fig. 13; col. 11, lines 61-67; col. 12, lines 1-4*).

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Risafi et al., and include the steps wherein a personal account number associated card; a personal account number facilitation system; and a redemption site interface, the redemption site interface being operative to connect to the personal account number facilitation system in response to using the card at a redemption site, as taught by Walker et al., in order to facilitate payment for the stored value instrument. Risafi et al. do not explicitly teach wherein said machine readable information is not in an industry standard credit card authorization infrastructure information format, wherein said machine readable information is prevented from eliciting a transaction approval in a non-authorization or pre-authorization environment.

Risafi et al., in view of Walker et al., do not explicitly teach wherein said machine readable information is not in an industry standard credit card authorization infrastructure information format, wherein said machine readable information is prevented from eliciting a transaction approval in a non-authorization or pre-authorization environment;

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wherein the personal account number facilitation system is a single technology supplier of personal account numbers to retailers.

However, Berardi et al. teach said machine readable information is not in an industry standard credit card authorization infrastructure information format (see e.g. col. 6, lines 40-42; lines 52-55 - *Each company's credit card numbers comply with that company's standardized format. In one exemplary embodiment, the account number may include a unique fob serial number and user identification number, as well as specific application applets. —see e.g. col. 16, lines 1-13 -The account number may be stored in fob 102. Create a unique identifier for providing to the fob 102. The identifier is unique in that one identifier may be given only to a single fob. That is, no other fob may have that same identifier*);

wherein said machine readable information is prevented from eliciting a transaction approval in a non-authorization or pre-authorization environment (see e.g. col. 16, lines 14-16 – *once the personalization file is populated into the fob 102, the populated information is irreversibly locked to prevent alteration, unauthorized reading and/or unauthorized access*);

wherein the personal account number facilitation system is a single technology supplier of personal account numbers to retailers (see e.g. col.5, lines 47-67; col. 6, lines 8-22).

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Risafi et al., in view of Walker et al., and include the step where an account is in a format different from industry standard credit card number format,

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wherein the personal account number facilitation system is a single technology supplier of personal account numbers to retailers, as taught by Berardi et al., in order to increase security and prevent fraudulent use of customer's account information.

Risafi et al., in view Walker et al., in further view of Berardi et al., do not explicitly teach wherein said account information indicia are in an industry standard credit card format that is capable of eliciting a transaction approval when manually entered into automated equipment;

However Smith et al. teach wherein said account information indicia are in an industry standard credit card format that is capable of eliciting a transaction approval when manually entered into automated equipment (*see e.g. col. 7, lines 34-49; 53-56; col. 1, lines 66-67; col. 2, lines 1-3*);

Therefore, it would have been obvious to a person of ordinary at the time of the invention to modify Risafi et al., in view of Walker et al., in view of Berardi et al., and include the step wherein said account information indicia are in an industry standard credit card format that is capable of eliciting a transaction approval when manually entered into automated equipment, as taught by Smith et al., in order to facilitate communication between the parties involved in the sale transaction and therefore simplify transaction processing.

Re claim 20, Risafi et al. teach a system wherein the redemption site interface is a point of sale activation system (*see e.g. col.13, lines 20-25*).

Response to Arguments

5. Applicant's arguments with respect to claims 1-8, 10, 12-20 have been considered but are moot in view of the new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUNA CHAMPAGNE whose telephone number is (571)272-7177. The examiner can normally be reached on Monday - Friday 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Luna Champagne/
Examiner, Art Unit 3627

January 11, 2010

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627